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Docket No.: P1139.0011/P011  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Chad Roberts et al.

Application No.: 10/092,259

Confirmation No.: 9265

Filed: March 7, 2002

Art Unit: 2175

For: APPARATUS AND METHOD FOR  
CONFIGURING HANDHELD ELECTRONIC  
DEVICES

Examiner: B.M. Ortiz

**RESPONSE**

MS Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Appellants thank Examiner Ortiz for speaking with the Appellants' representative, Jennifer McCue, on July 24, 2006. During the telephonic interview, Ms. McCue and Examiner Ortiz discussed the Notification of Non-Compliant Appeal Brief mailed June 26, 2006. The June Notification of Non-Compliant Appeal Brief stated that Appellants did not submit a complete brief in response to a Notification of Non-Compliant Appeal Brief mailed January 24, 2006. However, as discussed during the telephonic interview, under MPEP § 1205.03(B), when the brief is "defective solely due to appellant's failure to provide a summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v), an entire new brief need not, and should not, be filed."

Examiner Ortiz agreed that the Response to the January Notification of Non-Compliant Appeal Brief, filed on February 24, 2006, was compliant and that no further response was necessary.

Dated: July 25, 2006

Respectfully submitted,

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